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United States of America

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,  
14  
15 v.  
16 MARTIN CERVANTES VASQUEZ,  
ALBERTO GONZALEZ SALGADO, and  
17 ISIAH ALBERTO SALGADO,  
18  
19 Defendants.

Case No. 2:20-CR-0193-KJM

STIPULATION AND ~~PROPOSED~~ PROTECTIVE  
ORDER REGULATING DISCOVERY

18  
19 Pursuant to Federal Rule of Criminal Procedure 16(d), the United States, by and through  
20 Assistant U.S. Attorney David W. Spencer, and defendants Martin Cervantes Vasquez, Alberto  
21 Gonzalez Salgado, and Isaiah Alberto Salgado, through their respective counsel of record (“Defendants”  
22 and “Defense Counsel”), stipulate and agree, and respectfully request that the Court order as follows.

23 1. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of  
24 Criminal Procedure, and its general supervisory authority;

25 2. The Government has in its possession audio recordings, video recordings, and  
26 photographs that identify a law enforcement undercover agent and/or confidential source by voice or by  
27 photograph/video. Production of this material is either required under the Government’s discovery  
28 obligations, or even if not required, may facilitate the Defendants’ trial preparation. This discovery will

1 be considered “Protected Material” as described in this stipulation and order, as will any other discovery  
2 marked as Protected Material.

3 3. The purpose of this stipulation and order is to establish the procedures that must be  
4 followed by Defense Counsel, any designated employees, and any other individual who receives access  
5 to any Protected Material in this case and the information therein.

6 4. The Government shall produce the aforementioned Protected Material to Defense  
7 Counsel, designating the discovery with the bates prefix, “CERVANTES\_PM\_.” This discovery, and  
8 any subsequent material discovered by the Government to Defense Counsel using the bates-prefix, shall  
9 be considered Protected Material.

10 5. All Protected Material in this case is now and will forever remain the property of the  
11 Government. It is entrusted to Defense Counsel only for purposes of representing his/her Defendant  
12 during the pendency of this case.

13 6. Defense Counsel shall not give any Protected Material to any person other than Defense  
14 Counsel’s staff assisting in preparation of the present case. The term “staff” shall explicitly include only  
15 attorneys, paralegals, legal assistants, retained experts, and investigators assisting Defense Counsel in  
16 the present matter. The term excludes any other defendant in this matter or any other pending matter  
17 against the Defendants; any person involved in any case in which discovery concerning the Defendants  
18 is produced; and any other person other than those specifically authorized to see Protected Material  
19 under this paragraph.

20 7. Any person receiving access to the Protected Material from Defense Counsel shall be  
21 bound by the same obligations as Defense Counsel and, further, may not give any Protected Material to  
22 anyone.

23 8. No members of any of the Defendants’ family, friends of the Defendants, personal or  
24 professional associates of the Defendants, or any other person affiliated with the Defendants shall be  
25 given access to any Protected Material or its contents in any manner, for any reason.

26 9. Defense Counsel may make copies of Protected Material and may take written or typed  
27 notes summarizing it in connection with preparation of the case. If necessary to the litigation of the  
28 instant matter, Defense Counsel may also have audio or video forms of Protected Material transcribed.

1 All notes, copies, duplicates, summaries, transcripts, or other representations of or concerning the  
2 information in the Protected Material comprises “Protected Material” itself, must be affixed with the  
3 corresponding bates numbers and the “Protected Material” ledger, and is subject to all terms of this  
4 stipulation and order.

5 10. Defense Counsel shall maintain a list of persons to whom any Protected Material is being  
6 or has been given. Such persons shall be provided with a copy of the executed version of this stipulation  
7 and order, shall sign their full names to a copy, and shall in writing acknowledge that they understand its  
8 terms and are bound by it. If Defense Counsel is replaced for any reason, or if new counsel is appointed  
9 in any phase of the matter, the new counsel shall not have access to any Protected Material until and  
10 unless they sign a copy of this stipulation and order, under the terms described in this paragraph.

11 11. Defense Counsel may use the Protected Material in the defense of his/her Defendant in  
12 the instant case in any manner deemed essential to adequately represent him or her (*i.e.*, in motions that  
13 are filed under seal, if necessary; in *ex-parte* applications as may be needed; and in reproducing and  
14 summarizing Protected Material for use in trial preparation summaries, exhibits and as evidence, as may  
15 be needed), consistent with this stipulation and order as it shall be originally prepared and signed.

16 12. In the event Defense Counsel needs to use any Protected Material in a manner not  
17 authorized under this stipulation and order, Defense Counsel is entitled to seek to have this stipulation  
18 and order amended by the District Court, after having given notice to counsel for the Government, in a  
19 hearing before the District Court, in order to meet the obligations under the Sixth Amendment to the  
20 United States Constitution.

21 13. Defense Counsel and any authorized members of Defense Counsel’s staff are authorized  
22 to review with his/her Defendant the contents of the Protected Material. Defense Counsel and  
23 authorized members of her staff, however, are prohibited from in any way giving his/her Defendant any  
24 Protected Material or any memorialization of the content of any of it, such as: any of the Protected  
25 Material itself; copies of any of the Protected Material; copies of excerpts of any of the Protected  
26 Material; or summaries of any of the Protected Material. This prohibition will not extend to the

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Defendant viewing the Protected Material in open court should any of these materials or summaries thereof be used in the litigation of this case.

Respectfully Submitted,

McGREGOR W. SCOTT  
Acting United States Attorney

DATE: October 28, 2020

/s/ David W. Spencer  
DAVID W. SPENCER  
Assistant U.S. Attorney

Dated: October 28, 2020

/s/ Toni L. White  
TONI L. WHITE  
Attorney for defendant Martin Cervantes Vasquez

Dated: October 28, 2020

/s/ Hannah R. Labaree  
HANNAH R. LABAREE  
Attorney for defendant Alberto Gonzalez Salgado

Dated: October 28, 2020

/s/ David D. Fischer  
DAVID D. FISCHER  
Attorney for defendant Isaiah Alberto Salgado

**ORDER**

Based upon the agreement of the parties and pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure, the Court adopts the proposed stipulation regulating certain discovery in this case. IT IS HEREBY ORDERED that each of the terms described in the stipulation of the parties shall govern the Protective Material as defined in the stipulation in this case.

**IT IS SO ORDERED.**

DATED: October 29, 2020 \_\_\_\_\_



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The Honorable Jeremy D. Peterson  
UNITED STATES MAGISTRATE JUDGE